

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALLSTATE INSURANCE COMPANY, et al.,

17-CV-4275 (LDH)(RML)

ANSWER

Plaintiffs,

-against-

ARTUR AVETISYAN, et al.,

Defendants.

-----X

Defendants AOM MEDICAL SUPPLY, INC., EAST 19 MEDICAL SUPPLY, INC.,
ORION SUPPLIES INC., PROMPT MEDICAL SUPPLY, INC., NAUM GOMBERG, ANNA
GORBACHEVA and JANE GOMBERG (collectively and singularly “Gomberg Defendants”),
by and through their attorneys LAW OFFICES OF SCOTT B. TULMAN & ASSOCIATES,
PLLC, as and for their Answer to the Plaintiffs’ Complaint (“Complaint”) set forth as follows:

1. Deny knowledge and information sufficient to form a belief as to the allegations
in paragraphs 1- 29, 31, 43- 50, 53- 55, 124, 126, 127, 132-152, 154, 155, 157- 207, 211-215,
217-220, 222, 223, 225-227, 228, 230, 231, 233, 234, 236- 240, 243, 244-247, 249, 250, 251,
253-255, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, and 1121 1127, of the Complaint,
except to the extent said allegations refer to the Defendants, to which extent they are hereby
denied.

2. Deny the allegations in paragraphs 92, 96, 103, 104, 425-438, 440-448, 450-452,
454-460, 573-586, 588-596, 598-600, 602-608, 832-845, 847-860, 862-870, 872-874, 876-882,

3. Deny knowledge and information sufficient to form a belief as to the allegations
in paragraphs 32, 33, 51, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 75, 76, 77,

78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 97, 98, 99, 100, 101, 102, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 122, 123, 125, 129, 153, 156, 241, 242, 256- 264, 277-290, 292-300, 302-304, 306-312, 314-327, 329-337, 339-342, 344-349, 351-364, 366-374, 376-378, 380-386, 388-401, 403-411, 413-415, 417-423, 462-475, 477-485, 487-489, 491-497, 499-512, 514-522, 524-526, 528-534, 536-549, 551-559, 561-563, 565-571, 610-623, 625-633, 635-637, 639-645, 647-660, 662-670, 672-674, 676-682, 684-697, 699-707, 709-711, 713-719, 721-734, 736-744, 746-748, 750-756, 758-771, 773-781, 783-785, 787-793, 795-808, 810-818, 820-822, 824-830, 884-897, 899-912, 914-922, 924-926, 928-934, 936-949, 951-959, 961-963, 965-971, 973-986, 988-996, 998-1000, 1002-1008, 1110-1023, 1025-1033, 1035-1037, 1039-1045, 1047-1060, 1062-1070, 1072-1074, 1076-1082, 1084-1097, 1099-1107, 1109-1111, and 1113-1119 of the Complaint.

4. Neither admit nor deny the allegations contained in paragraphs 30, 34, 35, 36, 37, 38, 39, 40, 41, 42, 52, 117, 118, 119, 120, 121, 128, 130, 131, 208, 209, 210, 216, 221, 224, 229, 232, 235, 248, and 252 of the Complaint which state legal conclusions or interpret statutes and regulations, but instead refer these questions of law to the Court for its decision.

5. Admit in response to paragraph 72 of the Complaint that Jane Gomberg is a natural person residing in the State of New York with an ownership interest in East 19 Medical Supply Corp, but neither admit nor deny the remaining allegations.

6. Admit in response to paragraph 73 that Naum Gomberg is a natural person residing in the State of New York with an ownership interest in Orion Supplies Inc., and Prompt Medical Supply, Inc. but neither admit nor deny the remaining allegations.

7. Admit in response to paragraph 74 that Anna Gorbacheva is a natural person residing in the State of New York with an ownership interest in AOM Medical Supply, Inc. but neither admit nor deny the remaining allegations.

8. Repeat and reallege each and every allegation contained in prior paragraphs 276, 291, 301, 305, 313, 328, 338, 342, 350, 365, 375, 379, 387, 402, 412, 416, 424, 439, 449, 453, 461, 476, 486, 490, 498, 513, 523, 527, 535, 550, 560, 564, 572, 587, 597, 601, 609, 624, 638, 646, 661, 671, 675, 683, 698, 708, 712, 720, 735, 745, 749, 757, 782, 786, 794, 809, 819, 846, 861, 871, 875, 883, 898, 913, 923, 927, 935, 950, 960, 964, 972, 987, 997, 1001, 1009, 1024, 1034, 1038, 1046, 1061, 1071, 1075, 1083, 1098, 1108, 1112, and 1120 of the Complaint.

FIRST AFFIRMATIVE DEFENSE

9. The Plaintiffs' Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

10. The Plaintiffs' Complaint is barred by the Statute of Frauds.

THIRD AFFIRMATIVE DEFENSE

11. The Plaintiffs' Complaint is barred by the Statute of Limitation or otherwise untimely under New York No-fault Insurance Regulations.

FOURTH AFFIRMATIVE DEFENSE

12. The Plaintiffs' Complaint is barred by the doctrine of laches.

FIFTH AFFIRMATIVE DEFENSE

13. The Plaintiffs' Complaint is barred by the doctrine of unclean hands.

SIXTH AFFIRMATIVE DEFENSE

14. The Plaintiffs' Complaint is barred by the doctrine of equitable estoppel.

SEVENTH AFFIRMATIVE DEFENSE

15. The Plaintiffs' are barred by the doctrine of *res judicata*.

EIGHT AFFIRMATIVE DEFENSE

16. The Plaintiffs' are barred by the doctrine of collateral estoppel.

NINTH AFFIRMATIVE DEFENSE

17. The Plaintiffs' are barred by the doctrine of claim preclusion.

TENTH AFFIRMATIVE DEFENSE

18. The Plaintiffs' are barred by the doctrine of issue preclusion.

ELEVENTH AFFIRMATIVE DEFENSE

19. The Plaintiffs' are barred from recovery by the doctrine of waiver.

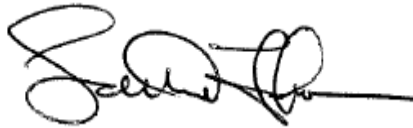
TWELFTH AFFIRMATIVE DEFENSE

20. The Plaintiffs' are barred from recovery by the doctrine of offer and compromise.

WHEREFORE, the Defendants request that the Complaint be dismissed in its entirety and for such other and further relief as may be just and equitable.

Dated: New York, New York
November 10, 2017

LAW OFFICES OF SCOTT B. TULMAN &
ASSOCIATES,



By:

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TO: All Parties via ECF